

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TILLERMAN SEEDS, LLC, et al.,

Case No. 1:19-CV-529

Plaintiffs,

v.

HON. ROBERT J. JONKER

TILLERMAN & CO., LLC, et al.,

Defendants.

/

**AMENDED CASE MANAGEMENT ORDER**

The parties' Stipulation Amending Case Management Order (ECF No. 45) is **GRANTED**. The affected dates are in **bold**. The final pretrial and trial dates are adjourned and will be reset at a later date.

Stipulations to Join Parties or Amend Pleadings	By motion
Rule 26(a)(1) Disclosures (including lay witnesses) Plaintiffs: Defendants:	<b>NOVEMBER 30, 2019</b> <b>NOVEMBER 30, 2019</b>
Disclose Name, Address, Area of Expertise and a short summary of expected testimony of Expert Witnesses (Rule 26(a)(2)(A)) - Party with the Burden of Proof: - Responding Party:	<b>AUGUST 25, 2020</b> <b>SEPTEMBER 25, 2020</b>
Disclosure of Expert Reports (Rule 26(a)(2)(B)) - Party with the Burden of Proof: - Responding Party:	<b>AUGUST 25, 2020</b> <b>SEPTEMBER 25, 2020</b>
Completion of Discovery	<b>OCTOBER 26, 2020</b>
Dispositive Motions	<b>NOVEMBER 24, 2020</b>
Interrogatories will be limited to: (Single Part Questions)	25 single part questions
Depositions will be limited to: (Fact Witnesses Per Party)	10 per party

Settlement Conference	Date: Time: Before:	JANUARY 12, 2021 1:30 p.m. Magistrate Judge Ray Kent
ADR To Take Place On Or Before:	<b>OCTOBER 26, 2020</b>	

1. **JOINDER OF PARTIES AND AMENDMENTS OF PLEADINGS:** All stipulations for joinder of parties and all stipulations to amend the pleadings must be filed by the date set forth in the table above to ensure amendment as a matter of consent under Rule 15(a)(2). Proposed amendments after the noted date are by leave of court.
2. **DISCLOSURES AND EXCHANGES:** Deadlines for exchange of Rule 26(a)(1) disclosures, names of lay witnesses, identification of experts, production of documents, and disclosure of expert reports under Rule 26(a)(2), if applicable, are ordered as set forth in the table above.
3. **DISCOVERY:** All discovery proceedings shall be completed no later than the date set forth in the table above, and shall not continue beyond this date. All interrogatories, requests for admissions, and other written discovery requests must be served no later than thirty days before the close of discovery. All depositions must be completed before the close of discovery. Interrogatories will be limited as set forth in the table above. Depositions will be limited as set forth in the table above. There shall be no deviations from this order without prior approval of the court upon good cause shown. Time limitations for depositions set forth in Rule 30(d)(1) apply to this case.
4. **MOTIONS:**
  - a. Non-dispositive motions shall be filed in accordance with W.D. Mich. LCivR. 7.3. They may be referred to a magistrate judge in Grand Rapids, Michigan, pursuant to 28 U.S.C. § 636(b)(1)(A). In accordance with 28 U.S.C. § 471, et seq., it is the policy of this Court to prohibit the consideration of discovery motions unless accompanied by a certification that the moving party has made a reasonable and good faith effort to reach agreement with opposing counsel on the matters set forth in the motion.
  - b. Dispositive motions shall be filed in accordance with W.D. Mich. LCivR 7.2 by the date set forth in the table above. If dispositive motions are based on supporting documents such as depositions or answers to interrogatories, only those excerpts which are relevant to the motion shall be filed. The case manager will notify counsel of the date for oral argument.
  - c. The parties are strongly encouraged to file motions in limine at least fourteen (14) calendar days prior to the final pretrial conference, but in no event shall they be filed later than the date for the submission of the proposed Final Pretrial Order.
5. **ALTERNATIVE DISPUTE RESOLUTION:** This matter shall be submitted to Standard Track Case Evaluation no later than the date set forth in the table above. A separate Order will issue regarding the method and schedule for case evaluation.

6. **SETTLEMENT CONFERENCE:** The parties are under an ongoing obligation to engage in good faith settlement negotiations. A settlement conference has been scheduled before the magistrate judge as set forth above.

- a. **Persons Required to Attend.** Unless excused by a showing of good cause, the attorney who is to conduct the trial shall attend the settlement conference, accompanied by a representative of the party with full settlement authority. Both shall attend in person. The person with settlement authority must come cloaked with authority to accept, without further contact with another person, the settlement demand of the opposing party. An insured party shall also appear by a representative of the insurer who is authorized to negotiate and to settle the matter (within policy limits) up to the amount of the opposing parties' existing settlement demand. W.D.Mich. LCivR 16.8.
- b. **Settlement Letter to Opposing Party.** A settlement conference is more likely to be productive if, before the conference, the parties have had a written exchange of their settlement proposals. Accordingly, at least fourteen (14) days prior to the settlement conference, plaintiffs' counsel shall submit a written itemization of damages and settlement demand to defendants' counsel with a brief explanation of why such a settlement is appropriate. No later than seven (7) days prior to the settlement conference, defendants' counsel shall submit a written offer to plaintiffs' counsel with a brief explanation of why such a settlement is appropriate. This may lead directly to a settlement. If settlement is not achieved, plaintiffs' counsel shall deliver, fax or e-mail copies of these letters to the chambers of the magistrate judge conducting the conference no later than three (3) business days before the conference. Do not file copies of these letters in the Clerk's Office.
- c. **Confidential Settlement Letter to Court.** In addition, three (3) business days before the conference, each party or their attorney shall submit to the magistrate judge conducting the conference a confidential letter concerning settlement. A copy of this letter need not be provided to any other party. Do not file a copy of this letter in the Clerk's Office. All information in the settlement letter shall remain confidential and will not be disclosed to any other party without the approval of the writer. The confidential settlement letter shall set forth: (a) the name and title of the party representative who will be present at the settlement conference, with counsel's certification that the representative will have full authority to settle, without the need to consult with any other party; (b) a very brief explanation of the nature of the case, including an identification of any parties added or dismissed since the time of filing; (c) a history of settlement negotiations to date, including all offers, demands and responses (the letter should not, however, divulge any offer made in the context of a voluntary facilitative mediation); (d) the policy limits of any relevant insurance coverage; (e) the limits on settlement authority given to counsel by the client; (f) that party's suggestions concerning the most productive approach to settlement; (g) any other matter that counsel believes will improve the chances for settlement. Plaintiffs shall also provide an estimated range of damages recoverable at trial and a brief analysis of the method(s) used for arriving at the estimate(s).

Date: May 26, 2020

/s/ Robert J. Jonker  
ROBERT J. JONKER  
CHIEF UNITED STATES DISTRICT JUDGE